THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.9265 of 2006

Date 11-6-2007

Between:
The Secretary,
Ministry of Communications &
Information Technology,
Department of Telecommunications,
20 Ashoka Road, New Delhi.

.....
PETITIONER.

AND

M.R.S.V. Naga Kumar

.....RESPONDENT

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION NO.9265 of 2006

ORDER: (per Smt. T. Meena Kumari,J)

This writ petition is directed against the order passed by the Central Administrative Tribunal, Hyderabad in O.A. No. 723 of 2005, dated 3.1.2006.

When the matter has come up for hearing, learned counsel for both the parties submitted that this writ petition is covered by the judgment of the Apex Court in Civil Appeal No. 2067 of 2007 and batch, dated 19.4.2007. The Apex Court at page-15 of the said judgment observed thus:

> "In view of the law settled by the Constitution Bench of this Court in the case of **Srivastava** (supra), we hold that the provisions of Article 320(3)(c) of the Constitution of India are not mandatory and they do not confer any rights on the public servant so that the absence of consultation or any irregularity in consultation process or furnishing a copy of the advice tendered by the UPSC., if any, does not afford the delinquent government servant a cause of action in a Court of law."

Having so held, it allowed the appeals and remitted some of the matters to the High Court and some others to the Central Administrative Tribunal for fresh disposal.

Admittedly, the issue raised in the present writ petition is squarely covered by the Judgment of the Apex Court in Civil Appeal No. 2067 of 2007 and batch, dated 19.4.2007. Hence, this writ petition is disposed of in terms of the above judgment and the matter is remitted to the Central Administrative Tribunal for fresh adjudication on the other issues raised in O.A. No.723 of 2005.

However, the Central Administrative Tribunal is directed to

dispose of O.A. No. 723 of 2005, as expeditiously as possible.

The writ petition is accordingly disposed of. No costs.

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T. MEENA KUMARI,J

DATE: 11th June, 2007

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G. CHANDRAIAH,J

Note:
Furnish c.c. in one week
B/o
pnb